

MINUTES OF REGULAR MEETING October 3, 2018

1. CALL TO ORDER

Mayor Severino called the meeting to order at 7:00 p.m.

- 2. "Sunshine Law" Announcement-** Adequate notice of this public meeting has been provided by Annual Notice; published in the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.

3. FLAG SALUTE**4. ROLL CALL**

	Present	Absent
Mr. Severino	X	
Mr. Hirt	X	
Mr. Sroka	X	
Mr. Neary	X	
Mr. Mazza	X	

Also present J.P. Jost, Attorney, Robert C. Clerico, P.E., Grace Brennan, CFO and Municipal Clerk Ella M. Ruta.

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular Meeting Minutes of September 19, 2018

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt	X		X			
Mr. Sroka					X	
Mr. Neary		X	X			
Mr. Mazza			X			

Motion carried

6. VISITORS**7. REPORTS RECEIVED - Acknowledged**

- a. Road Dept.- Week Ending; 9/14/18; 9/21/18
 - b. Municipal Court – August 2018
 - c. Zoning Officer – August/September 2018
 - d. Public Safety Coordinator – Mr. Strauss distributed his Report
 - e. Engineer's Report
- NJDOT Municipal Aid Grants – Said the 2019 Grant applications were filed.
 - Perryville Road/Railroad Crossing – Reported that construction has started. The drainage pipe has been installed.
 - Met with contractor regarding Country Acres pavement problem.
 - Spoke with Meredith Hammond from NJ DOT regarding potholes on Frontage Road.

8. CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Severino reported the following:

- Mentioned the Hunterdon County Parks proposal to install a pavilion at the Hoffman Park. Atty. Jost will contact the Attorney representing the Parks for additional information.

9. PUBLIC COMMENTS - None**10. PUBLIC HEARING – None****11. OLD BUSINESS - None****12. NEW ORDINANCE – None****13. NEW BUSINESS**

- a. The following Resolution was introduced for approval:

RESOLUTION 2018-90**ESCROW REFUND
CELLDEX THERAPEUTICS**

WHEREAS, Celldex Therapeutics did post an escrow account for a board application, and

WHEREAS, the application has been withdrawn and there are no outstanding invoices,

WHEREAS, there is a remaining balance of \$1,320.00 in the escrow account

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$1,320.00 be refunded to Celldex Therapeutics.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary			X			
Mr. Mazza			X			

Motion carried

- b. The following Resolution was introduced for approval:

RESOLUTION #2018-91**UNION TOWNSHIP, HUNTERDON COUNTY
ESTABLISHING AND DECLARING A JUVENILE CURFEW IN THE
TOWNSHIP OF UNION**

MINUTES OF REGULAR MEETING October 3, 2018

WHEREAS, P.L. 1992, Chapter 132 (N.J.S.A. 40:48-2.52 et seq.) authorizes and empowers a municipality to enact an ordinance making it unlawful for a juvenile of any age under 18 years within the discretion of the municipality to be on any public street or in a public place between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by the juvenile's parent or guardian, or unless engaged in, or traveling from, a business or activity which the laws of this State authorize a juvenile to perform and making it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during those hours; and

WHEREAS, the Township Committee of the Township of Union on October 6, 1993, adopted on final reading "An Ordinance to Provide for the Establishment of a Curfew for Juveniles in the Township of Union and Providing Penalties for the Violation thereof"; and

WHEREAS, said Ordinance provides that whenever the Governing Body shall determine the need for a curfew for juveniles, the Governing Body may by resolution declare a curfew in the municipality for a period of not more than 90 days and for such hours and under such conditions as may be prescribed by the Township Committee, provided that such curfew shall commence not earlier than 10:00 p.m. and shall end not later than 6:00 a.m. during each of the curfew dates established;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union as follows:

1. Establishment of Juvenile Curfew. A juvenile curfew is hereby established and declared in the Township of Union commencing at 10:00 p.m. and ending at 6:00 a.m. of the following day, during each of the following curfew dates:

Tuesday, October 30, 2018

Wednesday, October 31, 2018; Trick or Treat Hours 12:00 p.m. to 9:00 p.m.

2. Condition of Curfew. During the curfew established herein, it shall be unlawful for any juvenile under the age of 18 years to be on any public street, or in a public place, either on foot or in a vehicle, within the Township of Union during the above designated times.
3. Exception to Curfew. The above-established curfew shall not apply to a juvenile:
 - a) When the juvenile is engaged in an errand involving a medical emergency;
 - b) When the juvenile is in attendance at an extra-curricular school activity, or an activity sponsored by a religious or community-based organization, or other cultural, educational, or social events;
 - c) When work time of the juvenile who is gainfully and lawfully employed overlaps the curfew hours.
 - d) When the juvenile is an attendant as a bona fide student at an evening school of institution.
 - e) When the juvenile is accompanied by a parent or guardian or other adult having the care and custody of the juvenile.
 - f) When the juvenile is on an emergency errand or legitimate business directed by the juvenile's parent/guardian.
4. Responsibility of Parent or Guardian. During the curfew herein established, it shall be unlawful for any parent or guardian of a juvenile to allow an unaccompanied juvenile to be on a public street or in any public place in violation of the above-referenced Ordinance and the curfew established hereunder.
5. Posting, Publication and Distribution of Curfew Notice. Copies of this Resolution shall be posted in such public or quasi-public places as may be designated by the Township Committee and may be published in such newspapers as the Township Committee shall designate. Copies shall also be supplied to area schools with a request that they make students aware of the curfew. Failure to post, publish or distribute this Resolution shall not relieve any person from the obligation of complying with the terms of the curfew imposed hereunder.

MINUTES OF REGULAR MEETING October 3, 2018

6. Notification to Law Enforcement Agencies. Certified copies of this Resolution and the above-referenced Ordinance shall be sent by the Municipal Clerk to law enforcement agencies, including the Municipal Police Department, if any, and the New Jersey State Police.

Date: October 3, 2018

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt	X		X			
Mr. Sroka		X	X			
Mr. Neary			X			
Mr. Mazza			X			

Motion carried

- c. The following Resolution was introduced for approval:

**TOWNSHIP OF UNION
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**RESOLUTION #2018-92
Adopting Additional Change to Township of Union
Personnel Policies and Procedures Manual and
Union Township Employee Handbook**

WHEREAS, on September 5, 2018, the Union Township Committee adopted Resolution #2018-84, amending the Township of Union Personnel Policies and Procedures Manual and the Union Township Employee Handbook, to reflect changes recommended by the Municipal Excess Liability Joint Insurance Fund (MEL) for the 2019/2020 MEL Employment Practices Liability Program; and

WHEREAS, subsequent to the adoption of said resolution, the Township received the attached Bulletin from Fred Semrau, Fund Attorney, recommending that Section 5.4 “Open Public Meetings Act Procedure Concerning Personnel Matters” of the Personnel Handbook should be modified as set forth in said Bulletin.

NOW, THEREFORE, BE IT RESOLVED that the attached change to Section 5.4 “Open Public Meetings Act Procedure Concerning Personnel Matters” as set forth in the Township of Union Personnel Policies and Procedures Manual and the Union Township Employee Handbook, as revised through September 5, 2018, is hereby adopted, and the Personnel Policies and Procedures Manual and the Employee Handbook are hereby amended accordingly; and

BE IT FURTHER RESOLVED that copies of the revised Employee Handbook with changes through September 5, 2018, and the further change authorized by this Resolution, shall be provided by the Personnel Administrator to all employees of the Township of Union.

Ella M. Ruta, Municipal Clerk

Matt Severino, Mayor

5.4 Open Public Meetings Act Procedure Concerning Personnel Matters:*

MINUTES OF REGULAR MEETING October 3, 2018

~~Discussions by the governing body or any public body of the Township concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Township concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.~~

~~Additionally, whenever the governing body or any public body of the Township of Union intends to act on a matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employees employed or appointed by the governing body or any public body of the Township of Union, then that governing body or that public body of the Township of Union must provide notice of said intended action to said prospective public officer or employee or current public officer or employees. Prior to the matter being acted on, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed.~~

Discussions by the governing body or any public body concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be discussed with and be based upon the guidance and advice of the legal counsel for the public entity and recent court decisions.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Mr. Sroka		X	X			
Mr. Neary			X			
Mr. Mazza	X		X			

Motion carried

14. REPORTS

a. Attorney's Report

- Checked with Insurer regarding hunting on Township owned property. Mr. Jost said the Township would have coverage. The Committee discussed the pros and cons of allowing hunting and may revisit the issue at another time.
- Clean copies of Employee Handbook are ready for distribution to all employees.
- Position of the Code Enforcement Officer was discussed at length. The discussion will be continued at a future Meeting.

b. Committee Report -

Mr. Sroka reported the following:

- Personnel matters to be discussed in Executive Session.

MINUTES OF REGULAR MEETING October 3, 2018

Mr. Hirt reported the following:

- Main Street Pattenburg Property – Noted work has been progressing on the derelict property.
- Frontage Road at Bagel Smith – Spoke with NJDOT about a 2002 proposed Agreement between Union Township and DOT regarding Road ownership. He said the Agreement was not was not executed at the time.

Mr. Mazza reported the following:

- Received a telephone call from Bethlehem Presbyterian Church Representative regarding volunteer work. Mr. Mazza suggested weeding, mulching i.e., at Finn Road Park, DeFazio field and the Municipal Building. The Committee agreed with Mr. Mazza's suggestion. He will convey that information to the Church Representative.
- Route 78 Corridor Development – Met with a Group regarding desirable sites for development in the Township along the Corridor. Asked Committee Members for input.
- Stated that NJSPCA on Stamets Road in Hunterdon County was shut down. Said the now non-existent SPCA has some used equipment for sale. He thought the Committee might be interested in the 2009 Tahoe and 1973 6' by 6' vehicle for Township use. He said it could be utilized by the liaison to the DR&F and other employees conducting Township business. The consensus of the Committee was to purchase the 2009 Tahoe for \$4,000.00.

c. Mayor's Report

- State owned Rupell Road Barn – NJDEP Representative Kerry Pflugh arranged demolition of the abandoned building.
- Highlands Council – Will be meeting with the Director from Highlands Council on Tuesday October 9, 2018.
- Asked CFO Brennan the amount of monies received for Recycling and Clean Communities Grant for the past three years. Spoke with Eric Peterson, Assemblyman about restrictions on use of those monies.

15. PUBLIC COMMENT –

Bob Wisnosky, 710 Deer Hill Lane, asked about the Mr. John at Exit 11 left after construction of the bridge. Grace Brennan offered to contact the owner whose business is located in Glen Gardner, NJ.

Mr. Mazza said he spoke with Congressman Leonard Lance and Assemblyman Eric Peterson about Frontage Road.

16. PAYMENTS OF BILLS

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date paid and that all checks listed hereinafter issued in payment thereof.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Mr. Sroka		X	X			
Mr. Neary			X			
Mr. Mazza	X		X			

Motion carried

15. EXECUTIVE SESSION

The following Resolution was introduced for adoption:

RESOLUTION #2018-93

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et. seq.,; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. _____ Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
2. _____ Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
3. _____ Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program , including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. _____ Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
5. _____ Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
6. _____ Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigation of possible violations of the law.
7. X Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

MINUTES OF REGULAR MEETING October 3, 2018

8. X Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

9. Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in public session on October 3, 2018, at 7:51 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary			X			
Mr. Mazza			X			

Motion Carried

The Committee returned to regular meeting session at 8:14 p.m.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt		X	X			
Mr. Sroka	X		X			
Mr. Neary			X			
Mr. Mazza			X			

Motion Carried

After reconvening into regular session of the meeting, Atty. Jost asked that the following motion be introduced for adoption:

That the record should reflect that Matters related to Litigation were also discussed during the Executive Session.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Mr. Sroka			X			
Mr. Neary		X	X			
Mr. Mazza	X		X			

Motion Carried

Messrs. Mazza and Sroka mentioned the ongoing issues with Sound and Recording Equipment in the meeting room.

17. ADJOURNMENT

There being no further business to come before the Township Committee at this time Mr. Hirt made a motion to adjourn the meeting at 8:18 p.m. Mr. Mazza seconded the motion. Motion carried by unanimous favorable roll call vote.

Transcribed by: Grace A. Kocher, Deputy Clerk

Matt Severino, Mayor